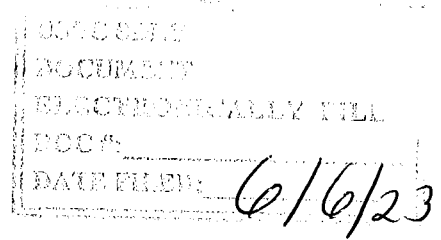


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FREEDOM MORTGAGE CORPORATION,
Plaintiff,

v.

LIZA ROSADO, YVETTE TIRADO-
ROSADO, and MIGUEL TIRADO;
Defendants.
-----X



ORDER

23 CV 1251 (VB)

In response to the Court's June 5, 2023, Order, plaintiff filed a proposed Civil Case Discovery Plan and Scheduling Order that indicates all parties consent to conducting all further proceedings before Magistrate Judge McCarthy. (See Doc. #19). However, defendant Miguel Tirado has not appeared or participated in this action. In fact, based on the answer filed by defendants Liza Rosado and Yvette Tirado-Rosado, Miguel Tirado died prior to the commencement of this action. (See Doc. #12 ¶ 39).

Because a magistrate judge may exercise authority over all proceedings in this action only if all parties voluntarily consent, 28 U.S.C. § 636(c)(1), plaintiff and defendants Liza Rosado and Yvette Tirado-Rosado cannot consent to proceed before the magistrate judge without the consent of defendant Miguel Tirado.

Therefore, the parties' request to proceed before the assigned magistrate judge for all purposes is DENIED WITHOUT PREJUDICE to refile if defendant Miguel Tirado is dismissed from the case or is otherwise no longer a party.

If Miguel Tirado is dismissed from the case or is otherwise no longer a party, the remaining parties should complete and fully-execute the attached Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, and file it on the ECF docket. The form requires scanned images of original signatures.

At this time, the initial conference before Judge Briccetti remains scheduled for July 5, 2023, at 11:30 a.m., to proceed in person at the White Plains Courthouse, Courtroom 620. By June 28, 2023, the parties shall submit a completed proposed Civil Case Discovery Plan and Scheduling Order.

Dated: June 6, 2023
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge

UNITED STATES DISTRICT COURT

for the

<i>Plaintiff</i>)	
v.)	
<i>Defendant</i>)	Civil Action No.
)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.